

Notice of Allowability

Application No.

09/965,334

Examiner

CHAMELI C. DAS

Applicant(s)

DESAI, SACHIN

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 7/30/04.
2. ☒ The allowed claim(s) is/are 3-9, 11-16, 18-20, 22-33, 36-42, 44-49, 51-53, 55-65 (newly numbered claims are 1-53).
3. ☒ The drawings filed on 25 September 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Art Unit: 2122

1. This action is in response to the amendment filed on 7/30/04.
2. Claims 1-2, 10, 17, 21, 34-35, 43, 50 and 54 have been canceled.
3. Claims 3, 11, 14, 16, 18, 20, 32, 36, 44, , 47, , 49, 51, and 65 have been amended.
4. Claims 3-9, 11-16, 18-20, 22-33, 36-42, 44-49, 51-53, 55-65 have been allowed.

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, on page 9, line 22 "Java" has been replaced by "JAVA" and on page 10, lines 1-2, 5-6, 10, 16 and 22, "Java" has been replaced by "JAVA".

REASON FOR ALLOWANCE

6. The following is an examiner's statement of reason for allowance:

The cited prior art taken alone or in combination fail to teach, in combination with the other claimed limitations, a method for automatically modifying behavior of a compiled application, the method comprising the computer implemented steps of inserting the new set of one or more instructions at a location in the first set of compiled instructions that is based on where the entry point to the target routine resides in the first set of instructions, a method for inserting a second new set of one or more instructions at a location in the first set of compiled

Art Unit: 2122

instructions that is based on where an exit point to the target routine resides in the first set of instructions; and invoking the modification routine comprises invoking a routine that accumulates data about performance of the application, as recited in the independent claims.

Conclusion

7. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Dynamically inserting a function into an application executable at runtime, US 6351843 B1

TITLE: Compiling and persisting of intermediate language code, US 6484313 B1

TITLE: Dynamic optimizing object code translator for architecture emulation and dynamic optimizing object code translation method, US 6463582 B1

TITLE: Systems, methods and computer program products for debugging java server page files using compiled java class file modifications, US 6463578 B1

TITLE: Method and apparatus to selectively control processing of a method in a java virtual machine, US 6324687-B1

TITLE: Resource-Sensitive Profile-Directed Data Flow Analysis for Code Optimization, author: Gupta et al, IEEE, 1997.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 703-305-1339.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 703-305-4552. The fax number for this group is (703) 872-9306.

Application/Control Number: 09/965,334

Page 4

Art Unit: 2122

An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-9600.

Chameli C. Das
CHAMELI DAS
PRIMA EXAMINER

9/7/04